A Study of Private Schools in Alberta

Planning Services

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Woods Gordon

A STUDY OF PRIVATE SCHOOLS IN ALBERTA

BY

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PREPARED UNDER CONTRACT WITH

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December 31, 1984

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Dear Sir:

We are pleased to present our Report - A Study of Private Schools in Alberta. This document responds in full to your Terms of Reference for this important and complex undertaking.

This report is the culmination of a great deal of study, discussion, field research and consideration on the part of many people. We would like to commend the Department for addressing the issues at hand and for providing an independent process for this examination. We believe that the results achieved have proven the value of the investment.

While our Report contains appropriate acknowledgements, we would like to commend the trust and constructive input of the numerous participants across Alberta who were surveyed or interviewed and who willingly gave of their time and trust. Our thanks are also due to a dedicated, conscientious and first rate Steering Committee who guided this complex project to a successful conclusion without in any way compromising the independence of the consultants. Finally, as prime consultants, Woods Gordon would like to congratulate our colleagues from four other consulting groups who contributed so much to the technical and professional quality of this study.

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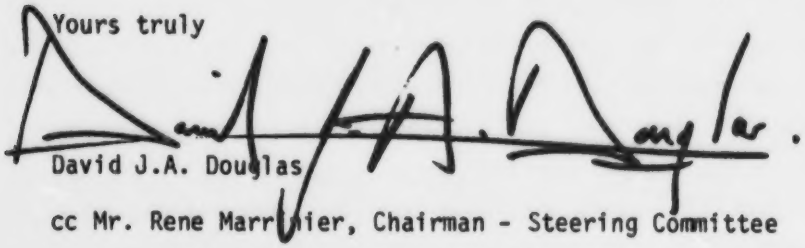
A major step has been taken in addressing the present and future roles of private schools in Alberta. We trust that this Report and the study's ten background Resource Papers will materially advance the well-being of the entire education system in Alberta for present and future generations.

Yours truly



David J.A. Douglas

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Mr. Richard A. Nuxoll
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THE USE OF THIS REPORT

The subject matter addressed in this study and reported in this document involves many complex perspectives and human values on equity, justice, accountability, the public good, private choice, the rights of children, parents and the Province, the interface between religious beliefs and moral persuasion and many other considerations. The research findings, the conclusions of the professional consultants and their recommendations reflect their commitment to provide qualified, independent advice to the Steering Committee overseeing this study. However, all research and enquiry is limited by time, resources, technology, human frailty and chance. For the judicious and proper use of this Report the reader is strongly urged to consult the ten (10) background Resource Papers which constitute the technical research base supporting the majority of the conclusions and recommendations set out in this Report.

It is to be noted that while this Report has been accepted by the study Steering Committee and through them, forwarded to the Minister of Education, the responsibility for the findings, conclusions and recommendations rests solely with Woods Gordon as the prime consultants for this project. The views expressed and recommendations made are not necessarily representative of either the Steering Committee or the Minister of Education.

1.0 CONTEXT, ISSUES AND OBJECTIVES

1.1 INTRODUCTION[1]

The appropriate governmental relationship with private education has been the subject of debate for many years. Some would argue that parents should be able to choose public or private schools for their children. Others believe that subsidizing private education is an improper use of public funds which can have undesirable social consequences, such as promoting segregation by income or religion.

Two fundamental issues influence the debate on public and private schools. Universal public education is based upon a premise of affording an equal opportunity for all to participate in our economic, political and social systems and that an educated citizenry is absolutely essential to the maintenance and development of these systems. Early promoters of universal public education sought a consensus that could lead to common action to inculcate civic virtues such as freedom, justice and personal obligation for the common good. It was felt that the state owes it to a child to provide some view of the world other than that which may be limited by the child's parents. Others argue that parents should be able to choose private or public education for their children without financial sacrifice and that limitations on public financial support for private schools constitute an inequity.

These two opposing views highlight the dilemma facing a modern democracy. The dilemma arises as a result of the desirability for striking a balance between individual freedom and provincial responsibilities and control.

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1. This part of our Report draws directly upon the background documentation prepared by the Planning Services Branch of Alberta Education (May 1983), as supplementary information accompanying the formal requests for proposals from consultants to undertake this study.

1.2 STUDY CONTEXT

The first schools in the present area of Alberta were established in the early 1840's through the efforts of missionaries. Over the next forty years all the schools established in the portion of the Northwest Territories (N.W.T.), now known as Alberta, were of a private nature. A public school system was established in 1884.

The original public school system had as a main goal the "development of Christian views in each child". However, as the 1900's drew on, public schools in Alberta were influenced by secularism and pluralism, and the once highly valued "Christian education" in these schools declined. These phenomena created a renewed interest in private schools in Alberta as several denominational groups perceived that their educational needs could no longer be met by the public school system. As a result, several private schools were established in Alberta in the early 1900's, primarily for religious reasons.

Private schools in Alberta were also established for reasons other than religious. Groups also established private schools for mainly academic and social reasons and these schools came to be known as "non-sectarian" private schools. Ethnic groups in Alberta also established private schools in which the language, traditions, and culture of their homeland could be taught to their children. These schools have historically operated after school hours or on Saturdays.

The private school movement also was the first to provide education for the handicapped in Alberta. In fact, private schools were largely responsible for initiating educational efforts for the physically handicapped in Alberta.

In recent decades, private schools in Alberta have gained in popularity and public support to the extent that the Province has provided unique aid to certain types of approved private schools. These include:

indirect aid, such as free services and discounts on materials, direct aid through per pupil grants, and provisions whereby a private school and local school board can enter into an agreement for special grants and/or other services. Beginning in 1975, local school boards in Calgary and Edmonton made provisions for the inclusion of a few private schools and the establishment of other schools as alternate schools under the local public school system.

A recent court decision in 1978 resulted in the establishment of a fourth category of private schools in the Province. In addition, a number of private schools in Alberta chose to ignore Alberta Education and have not sought approval to operate. As such, these unapproved private schools were operating without regard for Provincial statutes and regulations.[1] Despite the deep roots that private schools have in education in Alberta, there are some whose legal status remains somewhat tenuous.

1.2.1 Public Policy Considerations

Some of the policy considerations influencing the stance of Alberta Education regarding the operation of private schools are as follows:

1. The need to ensure that a system of public education remains accessible to all children.
2. The need to ensure that such a system is flexible enough to accommodate the plurality of interests and needs represented in Alberta society.
3. The need to determine an appropriate level of support for private education based on the benefits accorded to society as a whole.
4. The need to ensure that there are established criteria for approval of private schools and the means by which to monitor them on a regular basis.
5. The need to ensure that some meaningful standards of education are maintained in all schools.

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1. In a letter signed by the Deputy Minister (May, 1984) known unapproved private schools in Alberta were requested to apply for approval.

6. The need to ensure that public expenditures for education facilitate a commensurate public good.

7. The need to ensure that efficient use is made of the money allocated by the Department of Education.

1.3 STUDY ISSUES

An extensive array of issues relating to the operation of private schools had been researched and documented by Alberta Education. These were set out in the Terms of Reference providing guidance to the Steering Committee and the consultant on the scope of this important and complex project. No less than fifty-three (53) individual issues were identified under such headings as the historical and philosophical background, legal issues, monitoring and regulation, Provincial aid to private schools, and the impact of private schools on public school systems and the education of children. Thirty-one (31) specific research and analysis activity requirements were set out by the Department to address these complex issues.

1.4 STUDY OBJECTIVES

The purpose of this study was to examine the development and organization of private schools in Alberta and to consider future directions. The study was commissioned to examine the financial issues related to private schools; the impact of private schools on public school systems and on the education of children; and implications for public school jurisdictions and government. It was also designed to identify possible alternatives and make recommendations for future action.

The study was commissioned to address certain issues as they pertain to a number of predetermined categories of private schools. For each issue, emphasis shall be placed on:

1. A description and analysis of the present situation in order to identify significant problem areas.

2. Alternate solutions to the various problems identified.

3. Recommendations.

1.5 STUDY ORGANIZATION[1]

The study was designed and commissioned by Alberta Education on behalf of the Minister. The Terms of Reference were prepared by the Planning Services Branch of Alberta Education and released on July 15, 1983. A Steering Committee consisting of representatives of the Alberta Teachers Association (A.T.A.), the Alberta School Trustees Association (A.S.T.A.), the Conference of Alberta School Superintendents (C.A.S.S.), the Alberta Catholic Schools Trustees Association (A.C.S.T.A.), public and separate school systems, private school representatives, Alberta Education and the public at large, was set up to advise the consultants, oversee the general conduct of the study and forward its recommendations to the Minister. Woods Gordon was retained as prime consultant, with a team of specialists, to prepare a detailed study design, conduct the research, arrive at conclusions and present independent recommendations to the Committee.

1. A full list of study participants and acknowledgements is contained in Appendix 1 of this Report.

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PRIVATE SCHOOLS STUDY PROCESS
SUMMARY OVERVIEW

STUDY DESIGN

* Start-up Meeting
* Analytic Hierarchy Process
* Precedence Network
* St. Committee Meeting

RESEARCH REQUIREMENTS

* Identification of Private Schools
* Literature Review
* Cross-Canada Survey
* Data Collection Curriculum, Teacher Certification, Facilities
* Data Collection to Assess Impacts
* Student Assessment
* Financial Assessment
* Legal Assessment
* Administration Assessment
* Value Oriented Issues
* St. Committee Meeting

DATA ANALYSIS, DEVELOPMENT OF ALTERNATIVES AND IMPACT ASSESSMENTS

* Highlight Analysis of Literature Review
* Cross-Canada Survey
* Analysis of Curriculum, Teacher Certification & Facilities
* Analysis of Data Collected Related to Impacts
* Analysis of Student Assessment Tests
* Financial, Legal, Admin. and Value Oriented Issues Analysis
* St. Committee Meeting
* Financial Impact Model
* Impact Assessment Syst.
* Development of Criteria
* St. Committee Meeting

FINAL REPORT

* Preparation of Recommendations
* Presentation Format of the Recommendations
* Prepare Draft Final Report
* Steering Committee Meeting
* Prepare Final Report

2.0 STUDY PROCESS

2.1 The Process

An elaborate study process was designed, consisting of four (4) major phases, twenty-nine (29) individual tasks and forty-nine (49) separate activities to complete these tasks. The diagram opposite summarizes the basic structure of the study process.[1]

Following the finalization of a detailed study design and a project management process, an extensive research programme was undertaken in Phase 2 of the study. This involved bibliographic research, a cross-Canada survey, a number of mail surveys in Alberta and extensive on-site visits to schools throughout the province.

Phase 3 was given over to the analysis of the large data base, a series of workshops for the consultants and follow-up research. It also involved a complete review of the research data base by the study Steering Committee.

Phase 4 involved the completion of the ten (10) background Resource Papers, the extraction of key findings from these and the development of conclusions. From these, a draft set of recommendations was prepared. Two major workshops with the study Steering Committee were conducted and ongoing refinements to the Final Report were completed.

The study process was characterized by expert input in all dimensions of the issues relating to private schools. These included administration, financial management, curriculum, facilities, student academic performance, student aptitude and attitude, legal and constitutional matters and teacher qualifications and certification. Actual work activities encompassed a comprehensive literature review on the complex issues surrounding private schools in North America; extensive field-work involving in-school interviews with teachers, principals and children as

CATEGORIES OF PRIVATE SCHOOLS

In 1978, the Alberta government established four categories of private schools in order to clarify their status and as a basis for Provincial funding:

Category I - Approved private schools which follow a curriculum prescribed or approved by the Minister, employ certificated staff, and are eligible for Provincial support (sectarian and non-sectarian).

Category II - Private schools which have been established for the education and training of handicapped children, are sponsored by a society or association for the handicapped and approved for Provincial support through school board sponsorship of pupils. These schools are required to maintain standards of education and training acceptable to the Minister.

Category III - Private schools, which offer approved credit instruction in languages other than English, operate outside regular school hours, offer language instruction at the senior high school level (following courses of study prescribed or approved by the School Act), and employ certificated teachers.

Category IV - Regular private schools which follow a curriculum prescribed or approved by the Minister, but are not required to employ certificated teachers. Such schools do not receive any Provincial support and their high school programs are not accredited by Alberta Education (sectarian and non-sectarian).

well as observational activities; a cross-Canada survey of Provincial legislation, policy and practices in private schools; a value-oriented survey of key stakeholders and others in the public and private educational sector; and, a series of ongoing working sessions with the Study Steering Committee.

The consultant commenced work on the project in the final week of November 1983. The research and analytical process were rigorously devised and executed. Generation of an extensive data base was completed in mid-1984 and a series of ten (10) research or background Resource Papers were completed by October 1984. The first draft of the Final Report was prepared in late October and refined through workshops and follow-up work over the remainder of the study period. The consultant's report was accepted by the study Steering Committee on December 18, 1984.

2.2. Study Scope and Limitations

This study was commissioned to examine the role and future of private schools in Alberta. Four categories of private schools had been identified by Alberta Education. These were the primary focus of this assignment. The chart opposite provides a summary definition of these schools.

In addition to these private schools, the study was commissioned to examine the role and future of unapproved private schools and home schooling. These are defined as follows:

Unapproved Schools -

Private schools which have deliberately not sought approval from Alberta Education to operate, or schools which have applied for approval to operate but, because they have not yet met the prescribed criteria for private schools in Alberta, have, therefore, not yet received approval.

Home Schooling

This refers to situations where children are educated at home because of geographic isolation or personal conviction of the parents. Home schooling may be approved by the local superintendent of schools provided that the program of instruction is comparable to the Alberta curriculum (e.g. Alberta Correspondence School courses).

Initially, the study encompassed alternative schools which are part of the local public school system in Alberta but which offer a program distinctive or somewhat different from the basic program provided in the public school. After discussion by the Steering Committee these public schools were deleted from the study.

The technical methodologies used in this study involved, amongst other procedures, extensive sampling, the application of statistical analysis in student testing and other processes. It must be noted, that in all the analytical work undertaken toward the derivation of conclusions and recommendations, there are real limitations to each research technique applied and the process is inevitably and correctly dependent upon the judgement of the researcher. The reader of this Report should consult the individual Resource Papers to fully appreciate the scope and limitations of the research processes used in this project.

1. The study process is detailed in the Woods Gordon Proposal to Alberta Education of September 14, 1983, pp. 6-35.

3.0 CONCLUSIONS AND RECOMMENDATIONS

3.1 INTRODUCTION

The purpose of the 'Study of Private Schools in Alberta' is clearly stated in the Terms of Reference (May, 1983) for this project. These state that the purpose of the study

> "is to examine the development and organization of private schools in Alberta and to consider future directions. The study will examine the financial issues related to private schools, the impact of private schools on the public school systems and on the education of children, and implications for public school jurisdictions and government. It will also identify possible alternatives and make recommendations for future action."
>
> (p. 7, Terms of Reference)

The Terms of Reference also listed five (5) issues which the study should address. These issues are:

- o historical/philosophical background
- o legal
- o controls
- o Provincial aid to private schools
- o impact on (a) public schools and the public school system, and (b) on the education of children

In turn, for each of these issues, the Terms of Reference listed specific questions/sub-issues which were to be addressed.

This part of our report directly addresses the purpose of the study and provides responses to the issues raised. This is accomplished by identifying and then answering the key questions of the study.

The responses to the key questions are based on the extensive research conducted and fully documented in the ten background Resource Papers throughout the course of the study.

3.2 INTERPRETIVE REMARKS

The issue of private schools has been studied on numerous occasions across Canada, the United States and elsewhere. We concentrated on evaluating arguments and positions taken elsewhere as well as compiling a significant new data base that deals specifically with private schools in Alberta today.

To the maximum extent possible we have incorporated the findings of our independent research. However, it should be recognized from the outset, that the topic of private schools is highly susceptible to personal and community values and priorities. In this Report we have accepted the challenge and responsibility of attempting to arrive at the most objective, defensible and equitable recommendations to the primary questions that have been placed before us. Often, there is no absolute "right" or "wrong" recommendation, only a recommendation that is the most fair and balanced considering the practical and personal needs of the public, the parent and the child.

It must also be recognized by the reader that just as there is considerable heterogeneity in schools in the public education system, so all private schools are not the same. Therefore, the approach in our research and in this Report was to address the variety of schools in the private school system in Alberta as it is, and not to over-emphasize the poorer private schools at the expense of the good ones, or to 'categorize' all private schools as the same. They are not.

3.3 THE TEN KEY QUESTIONS

The issue of private schools in Alberta, as addressed in the Terms of Reference for this project, can be distilled into ten (10) key questions. They are:

1. Should private schools be allowed to continue to operate in Alberta?
2. If yes, should Alberta Education exercise any control over private schools?
3. If yes, what should the controls be?
4. Should capital expenditures of private schools for facilities and equipment be supported through public funding, and if yes, to what extent?
5. Should operating expenditures of private schools be supported through public funding, and if yes, to what extent?
6. Should private schools be categorized?
7. What statutory controls are needed?
8. What administrative controls are needed?
9. What are the impacts on the public school system of allowing private schools to operate in Alberta?
10. What is the role of Alberta Education regarding home school sites?

For each question we will (a) provide a logical rationale for our answer through a review of relevant considerations based on our research and judgement, (b) link each question to the issues raised in the Terms of Reference, and (c) conclude with our answer and recommendations.

QUESTION 1

Should private schools be allowed to continue to operate in Alberta?

Considerations:

From our research there were six (6) separate factors considered that were the most directly relevant in arriving at a response to this question.

1. Legal

Private schools presently have a statutory right to exist in Alberta, provided that they receive approval by the Minister of Education. The Department of Education Act was amended in 1945 (S.A. 1945, c. 21) to define "private school", and to provide that the Lieutenant Governor in Council could make regulations governing the establishment, operation and supervision of private schools. The Act also provided that "no person shall operate a private school unless and until it has been approved by the Minister" (Section 7a(3)). The first regulations concerning private schools were passed by Order in Council 4/46 (later to be named Alberta Regulation 292/57). Category II and Category III private schools were specifically recognized by Alberta Regulation 140/78, amending Alberta Regulation 243/70 and 98/74.

If the Legislature of the Province of Alberta should now decide to abolish private schools in the Province, by amending or repealing its current legislation, the question then arises as to whether private schools have a fundamental right to exist, notwithstanding any legislative prohibition by the Province. Arguments can be made that private schools do have a fundamental right to exist pursuant to the provisions of the Canadian Charter of Rights and Freedoms.

The Charter, which is part of the constitution of Canada, is the supreme law of Canada, and any law, including any statute or regulation of the Province of Alberta that pertains to the

establishment and operation of private schools, that is inconsistent with the provisions of the Charter is, to the extent of the inconsistency, of no force or effect. The conclusion reached in the Wiebe case, (1978), where the provisions of the Alberta School Act relating to school attendance were rendered inoperative to the extent that they denied the accused's fundamental freedom of religion as guaranteed by the Alberta Bill of Rights, could also have been reached by the court had the provisions of the Charter been in force, as they now are. Therefore, religious private schools have an argument that they have a fundamental right to exist by virtue of the Charter's "freedom of religion" guarantee.

Although it is speculative at this point, it is also arguable that religious and non-religious private schools may have a fundamental right to exist pursuant to other provisions of the Charter, depending on the particular circumstances of the case. A private school which is faced with legislative prohibition may be able to rely on Section 2 of the Charter which guarantees, inter alia, the right of "freedom of conscience", "freedom of peaceful assembly", and "freedom of association".

Section 23 of the Charter sets out certain rights pertaining to minority language education in English and French. The constitutional right to minority language education includes, where numbers warrant, the right to have minority language instruction and educational facilities provided out of public funds. By definition, Category III schools operate at times other than normal operating hours of schools of a board under the School Act, and are established for the purpose of giving instruction in a language other than English. Section 23 of the Charter does not give a constitutional basis for the existence of French language Category III schools. Rather, citizens of the French linguistic minority population now have the right to request that the education of their children in the minority language be provided out of public funds.

It must be noted, however, that the issue of infringement of fundamental freedoms as guaranteed by the Charter is a question of fact to be decided by a judge on the evidence presented in each case brought before the courts. For example, the defence of infringement of a fundamental freedom under the Charter will not succeed if the challenged provincial legislation is found by the court to impose "reasonable" limits which can be demonstrably justified in a free and democratic society. Furthermore, existing case law reveals that the defence of freedom of religion under the Charter or the Alberta Bill of Rights will not be afforded to an accused person who is in violation of the compulsory attendance provisions of the Alberta School Act if a court finds that the private education is not an inherent part of the individual's religious beliefs, or if the

law pertaining to compulsory school education only incidentally affects the exercise of the individual's religious beliefs, and is a justifiable interference in the circumstances. In short, the fundamental freedoms which are now guaranteed by the Charter do not afford individuals an exclusive right to establish and operate a private school. In considering each case, the courts will also have regard to the right and the responsibility of the Province of Alberta to ensure that children receive efficient instruction.

It should also be noted that Section 33 of the Charter empowers the Provincial legislature to declare that any one of its laws shall operate notwithstanding the provisions in Sections 2 and 7 to 15 of the Charter. The Alberta Bill of Rights also includes an override power. To date, however, the Alberta legislature has not invoked the override powers contained in the Charter and the Bill of Rights.

2. Student Performance

The data collected from the academic testing of students, conducted as an integral part of this study, indicate that on the basis of student performance, the students at some private schools perform equally or better than provincial norms.[1] Based solely on the results of the academic testing conducted as part of this study, it would appear that:

- o Category I and public school performance means were generally similar, with the exception of Grade 6 Reading, where private school means were higher than the public means and Grade 12 Mathematics, where the opposite occurs and the private school means were lower than public school means.

- o Students attending schools using ACE (Accelerated Christian Education) curriculum (which include Category I, IV and unapproved private schools) tend to score lower than public school students in Mathematics in Grades 6 and 9, and in Grade 3 Reading (Categories I and IV and unapproved private schools were all combined for these analyses).

- o There were insufficient numbers of schools included in the study to assess the relative performance in Alpha Omega and Mennonite schools.

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1. Category I schools were randomly selected for inclusion in the study. Materials for the academic testing were sent to all Category IV and unapproved schools. No testing was conducted in either Category II or III schools. Also, the Study Team relied on school personnel to administer the tests and to ensure that all eligible students completed the tests.

- o Category IV and unapproved school means were extremely varied, with some school means equal to or above Category I and public schools while others were very low.

3. Curriculum

Our evaluation of curriculum in use in private schools was based on a comparison with the approved Alberta curriculum and the prescribed program of studies, as well as with the curriculum in use in the comparison public schools.

- o the CSI (Christian School International) curriculum follows the Alberta Education prescribed program of studies with some adaptations to reflect religious beliefs in science and social studies.

- o the ACE curriculum contains significantly less content and development of required learning skills than the approved Alberta curriculum in language arts and mathematics. Content in science and social studies varies widely from the Alberta curriculum. Religious teachings are prominent in ACE resource materials. (The same is true for Alpha Omega schools.)

- o the Mennonite curriculum contains significantly less content and development of learning skills than the approved Alberta curriculum. Religious beliefs are reflected in texts used in Mennonite schools.

- o Curriculum in the remaining Category I private schools varies considerably, but generally is based on Alberta curriculum. In some cases, the curriculum in these schools was more enriched than in comparison public schools; the opposite, however, was also found.

4. Past Practice

In other provinces and in Alberta (which has legislatively recognized private schools since 1967), there is the precedent to be recognized in that private schools have been permitted to operate. This must bear on the question of continuing to allow private schools to operate in Alberta.

5. Opinion

(a) Value Oriented Survey

The majority of respondents to a "Value Oriented Survey" conducted as part of this study indicated that they felt private schools should be allowed to operate in Alberta.[1]

(b) Gallup Poll

The majority of respondents to the gallup poll of adults conducted in Alberta in May 1984, who answered the question:

"In your opinion, should parents have the right to choose the type of school - that is a private, a separate or a public school - that their children will attend?"

responded in the affirmative (93%).

6. Parents' Rights

As a general principle, the first right and duty of parents to educate their children cannot be disputed.[2] This principle has generally been supported by all respondents involved in education in Alberta, as was found in our 'Value Oriented Survey'.

There are, however, limits to this general principle. As noted in a recent ASTA Report (see previous footnote) "It is essential that the 'first right of the parents' has to be exercised with due recognition to social purposes". However, if these 'social purposes' are met, the principle stands.

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1. Our value oriented survey included responses from school boards, individual school trustees and superintendents of school boards. Based on the variety of respondents, we have categorized all of these three responses as representatives of 'school boards'. The survey also covered Alberta Education officials, private school representatives, teacher representatives and others.

2. This has been supported by the United Nations.

Conclusion:

The above issues distill a considerable amount of statistical data, survey responses, commentary and analysis that are contained in our background Resource Papers. For detailed discussion, the reader is referred to these Papers.

The comments regarding the legal issue indicate that there is a good case to be made for allowing religious private schools to continue. The legal cases for non-religious private schools, and Category II and III private schools are not as strong. However, there is no self-evident legal reason for these schools to be discontinued.

The comments regarding student performance indicate that there is no reason to prohibit Category I schools from continuing as they are today. Student performance at ACE schools indicates a concern. If these schools are allowed to continue, changes to the curriculum should be made.

Similarly, our investigations regarding curriculum indicate that CSI private schools should be allowed to continue. The same investigations indicate that ACE and Mennonite schools require improvements in curriculum, if they are to continue to operate. Some private schools in the remaining Category I and IV private schools should be allowed to continue. Others should be allowed to continue only if improvements to curriculum are made. We will elaborate on this matter later on in the Report.

Based on the record of past practice, there is no reason to disallow private schools from continuing to operate in Alberta.

Based on opinions collected in our study, private schools should be allowed to continue to operate in Alberta.

RECOMMENDATIONS:

To date, the right of a private school to exist is only assured under the Charter and Alberta Bill of Rights, if it can be shown that the private education is an inherent part of the individual's religious beliefs.[1] The right of private schools to exist, for all other situations is based on existing Alberta statutes which could be changed by the Legislature of Alberta, without impacting the Charter and Alberta Bill of Rights. (We say this without having in-court interpretations of the 'freedom of conscience' clause and therefore, discount it somewhat. To include it and its effect would be speculative.) However, when student performance, and curriculum are included in this discussion, we find that in many instances a private school education is as good as a public school education, in the academic subject areas reviewed. Also, the general public and the principle of a parent's rights and duties to educate their children, support the operation of private schools in Alberta.

1.1 We recommend that private schools in general be allowed to continue to operate in Alberta.

1.2 We recommend that improvements be made in certain curriculum areas in ACE schools, Mennonite schools, and some private schools with locally developed curriculum.

More will be said regarding both recommendations in the following sections of this Report, when we address the basic conditions under which private schools should operate.

1. For a more detailed discussion of this issue, and prior to considering or deciding upon criteria for the acceptance/rejection of new private schools, the reader should consult the legal technical report, Resource Paper No. 3, prepared for this study and the judge's actual statement.

QUESTION 2

Should Alberta Education exercise any control over private schools?

Considerations:

1. Legal

Section 93 of the Constitution Act 1867 provides that the legislature of each of the four original Provinces in the Canadian confederation "may exclusively make laws in relation to education", subject to certain provisions concerning the rights of denominational and dissentient schools which existed by law at the time of the union, and which were guaranteed to continue thereafter. Alberta was admitted into the Canadian confederation in 1905, pursuant to the Alberta Act. Section 17 of the Alberta Act provides that Section 93 of the Constitution Act 1867 shall apply to the Province of Alberta, with the exception of certain enumerated modifications concerning the rights of separate schools.

Therefore, the Provincial legislature has the constitutional power to make whatever statutes and regulations it sees fit concerning the establishment and operation of private schools within the Province.

However, as noted previously, this legislative power is now subject to the Provisions of the Canadian Charter of Rights and Freedoms and the Alberta Bill of Rights.

The School Act currently permits certain exceptions to the compulsory public school attendance provision. Section 142(1) of the School Act states that "every child who has attained the age of six years at school opening date and who has not attained the age of 16 years is a pupil for the purpose of this Act and unless excused for any of the reasons mentioned in Section 143 shall attend a school over which a Board has control". Section 143(1) provides, in part, that:

"A pupil is excused from attendance at school if:

(a) a Department of Education inspector or a superintendent of schools (whether appointed by a Board or the Department of Education) certifies in writing that the pupil is under efficient instruction at home or elsewhere, ...

(e) he is attending a private school approved under the Department of Education Act".

Section 10(2) of the Department of Education Act provides that "the Lieutenant Governor in Council may make regulations governing the establishment, administration, operation and management of private schools or any class of private schools". Section 10(3) of the Department of Education Act further provides that:

"No person shall:

(a) operate a private school until it has been approved by the Minister, or

(b) continue to operate a private school after the Minister has suspended or revoked his approval".

The regulations passed pursuant to Section 10(2) of the Department of Education Act are set out in Alberta Regulation 243/70, as amended by Alberta Regulations 98/74 and 140/78. Pursuant to Section 10(4), the Minister of Education may approve or refuse to approve or suspend or revoke his approval of a private school. A person contravening Subsection (3) is guilty of an offence and is liable to a fine not exceeding $500.00 (Section 10(5)).

The courts in the Jones case upheld the Ministerial power to approve private schools, and the compulsory education provisions of the School Act. His Honour Judge Fitch held that the compulsory education provisions of the School Act did not offend the accused's freedom of religion, in the circumstances of that case. Furthermore, the requirements imposed by the School Act to apply for certification that the children are under efficient instruction elsewhere, or are attending a private school approved by the Minister pursuant to the provisions of the Department of Education Act, did not offend the accused's freedom of religion as he had failed to apply for certification or approval in the first place. These aspects of the trial judge's decision were not challenged in the defendents subsequent representations to the Alberta Court of Appeal. (The Supreme Court of Canada has recently given leave to the accused to appeal the decision of the Alberta Court of Appeal). Therefore, the requirement for certification or approval under the statute was not per se an infringement of religious freedom.

In September, 1984, the Attorney General of Alberta laid charges which alleged that three private schools were continuing to operate in the Province without Ministerial approval, contrary to Section 10(3) of the Department of Education Act. These three prosecutions are presently (December 1984) before the courts.

2. Opinions

(a) Value-Oriented Survey

Generally, private school respondents from Category I schools were in favour of having private schools follow Provincial requirements. Both Category IV and unapproved private school respondents generally felt there should be no need to meet Provincial requirements.

Alberta Education Officials, Directors of Regional Offices of Education and Public School System respondents felt that private schools should follow Provincial requirements. Most Key Stakeholder respondents felt that Provincial requirements should only be met in some instances.[1]

(b) Gallup Poll

In response to the question:

"Currently some private schools operate independent of government licencing and standards. Do you think that all private schools should operate under set government licence and standards or should they be allowed to operate independently?

Sixty-six percent (66%) felt that all private schools should operate under government licence.

Conclusion:

Although Alberta Education has the legal power to exercise control over all private schools in Alberta, the exercise of this power has limits codified in the Charter and the Alberta Bill of Rights. It would appear

1. Note: Key Stakeholders who responded to our survey included (a) Alberta Association of Evangelical Schools, (b) Alberta Teachers Association, (c) Association of Independent Schools and Colleges in Alberta, and (d) Federation of Independent School Associations.

that the requirement for licencing is within Alberta Education's power and responsibility.

Based on opinions collected during the study, only those respondents from Category IV schools and unapproved private schools, felt private schools should not have to meet Provincial requirements.

Our research shows that Alberta Education has the responsibility, legal authority, moral obligation and general public support to continue to exercise some control over all categories of private schools in Alberta. The information presented earlier, regarding student performance and curriculum, indicates that Alberta Education should indeed exercise control to ensure acceptable standards of education are achieved and maintained (which, as noted above, were not being met in all private schools).

RECOMMENDATIONS:

2.1 We recommend that Alberta Education exercise control over all categories of private schools in terms of:

- o licencing of private schools
- o curriculum
- o teacher qualifications
- o facilities
- o student performance
- o school year and school day

The recommended manner and extent of this control are presented in the following parts of this Report.

QUESTION 3

Since Alberta Education has jurisdiction over private schools, what controls should be put in place and to what extent?

Considerations:

Each potential area of control by Alberta Education is different in terms of the degree and/or extent of that control. The following deals with each area in turn, giving the rationale for our recommendation.

1. Licencing of Private Schools

   (a) Legal

   Legally, pursuant to the School Act, and as adjudicated by the courts (Jones case), Alberta Education has the right, responsibility and power to licence the operation of private schools in Alberta.

   (b) Criteria for Licencing

   i) In deciding when and under what conditions to licence a private school, the Wiebe case of 1978 (i.e. relating to freedom of religion) must be taken into account. Additionally, the Minister may:

   "give consideration to such factors as to him may appear relevant, including the size of the community in which it is proposed to establish a school and the probable effect upon presently existing schools".

   (Department of Education Act, Regulation 243/70 '5.6')

   ii) Based on information collected from a variety of sources (e.g. the Study Steering Committee), there have been instances where 'private interests' have approached public school jurisdictions with the express purpose of establishing an 'alternate school' within the public school system. This method has, at times, been successful in addressing the needs of the 'private interests' while at the same time allowing the public school system to accommodate these special needs within the jurisdic-

tion's operation. The collaborative process has therefore worked toward a more cost effective use of publicly provided facilities.

2. Curriculum-Including Texts/Reading Materials

(a) Legal

Section 11(2) of the School Act (which, as it applies to private schools, is read with S.10(1) and (2) of the Department of Education Act and Alberta Regulations 140/78) states that "The Minister may:

- o prescribe:
  - courses of study or pupil programs or both, and
  - instructional materials, and
- o approve any course of study or pupil program submitted to him by a board, but instruction in the course of study or pupil program shall not commence without the prior approval of the Minister in writing."

Again, as previously noted, these clauses in the School Act must be considered in the light of the Charter and the Alberta Bill of Rights. Therefore, it would appear that as long as the courses of study and the instructional materials do not unduly infringe on the "freedom of religion" or "freedom of conscience" of parents, they can be prescribed by the Minister.

(b) On-Site Visits

As previously noted, the results of our on-site visits clearly indicated great variability in the curriculum taught and the instructional materials used. Some private schools have a curriculum equal to, if not more enriched than the comparison public schools. On the other hand, the curriculum at other private schools is much less enriched than that provided at the comparison public schools. Therefore, the intent of curriculum controls developed and implemented by Alberta Education must be such that they ensure that universal standards are met and maintained, while recognizing the legal aspects inherent in some curriculum issues (i.e. 'freedom of religion').

(c) Public Opinion:

Value-Oriented Survey

Generally, Category I respondents felt that private schools should follow Provincial requirements regarding curriculum.

Category IV and unapproved private school respondents felt that private schools should not have to follow Provincial requirements regarding curriculum. Respondents from the Key Stakeholders, Alberta Education, Directors of Regional Offices of Education and the Public System all felt that Provincial requirements regarding curriculum should be followed by private schools.

Gallup Poll

In response to the question,

"The Provincial government has prescribed standards to be followed by the public and the separate schools in Alberta. In your opinion, should the private schools here be required to meet these standards as far as the curriculum or the subject matter taught is concerned?"

Eighty-four percent (84%) responded in the affirmative.

(d) Transferability

For students to be able to transfer from a private school to a public school and vice versa, they must have certain skills at any one point in time. Therefore, to ensure that students have this mobility and choice, Alberta Education's Program of Studies should be used as the norm.

(e) School Options

Based on our research, we do not have enough data to comment on option subjects. It was not a main concern of the Terms of Reference for the study.

3. Teacher Qualifications

(a) Legal

The Department of Education Act gives the Province the legislative power to prescribe the requirements for teacher qualifications. As currently specified in Alberta Regulations 140/78, only Category 1 schools must employ certified teachers. However, although the teachers are certified they are not required to belong to the Alberta Teachers Association, as are teachers in the public and separate school systems.

(b) Basis of Curriculum

The degree to which the recommended curriculum standards are met by private schools is largely dependent on the abilities

and expertise of those who are teaching in them. Therefore, to ensure that the recommendations regarding curriculum are realized, it is logical and appropriate that teachers must be qualified to instruct the curriculum.

Our on-site visits clearly demonstrated that not all teachers in private schools, outside of Category I private schools, are certificated under the Department of Education Act. At present Alberta Regulation 140/78 allows some private schools to operate without certificated teachers. This Regulation must change if the principle enunciated above is to be realized.

However, it must also be realized that the strict and immediate enforcement of this recommendation could be struck down by the courts on the 'freedom of religion' basis.[1] Therefore, it would appear logical and judicious to reassess the notion of the strict qualifications for certification as they presently stand in the Province. A reassessment would allow for a teacher to become certificated without obtaining a specified degree from a recognized academic institution. An alternative route to certification might be through a prescribed process whereby specified qualifications would be achieved through, amongst other means, supervised in-training. Teachers, under this scenario, would be certificated teachers or 'teachers in training'. These teachers would be required to embark on a course that would, within a specified time period, allow them to become eligible for formal certification.

The reassessment should also include a review of teacher qualifications in Category II private schools. As it now stands, students in Category II schools can be characterized as being either (a) severely handicapped, or (b) severely learning disabled (those who are taken out of the public school system with the intent of their learning behaviour being modified, and then returned to the public school system). On the basis of comparison and the need for highly specialized and unique skills, teachers dealing with the first type of child should not be required to be certificated, but should meet pre-determined qualifications. For teachers dealing with the second type of child, we can see no reason why they should not be certificated.

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1. The argument being for example, that there are no certificated teachers who are able to teach the Mennonite curriculum currently used by some members of this faith - even as a minimum standard - and primary education is an inherent component of some Mennonite's religious beliefs.

(c) Public Opinion: Value-Oriented Survey

Generally Category I respondents felt that private schools should employ certificated teachers. Category IV private schools and unapproved private schools felt private schools should not have to employ certificated teachers. Respondents from the Key Stakeholders, Alberta Education Staff, Directors of Regional Offices of Education and Public School System all felt that private schools should employ certificated teachers.

Public Opinion: Gallup Poll

In response to the question:

"The Provincial government has prescribed standards to be followed by the public and the separate schools in Alberta. In your opinion, should the private schools here be required to meet these standards as far as a teacher's qualifications are concerned?"

Ninety percent (90%) responded in the affirmative.

4. Facilities

(a) Legal

Section 7 of Alberta Regulation 243/70 states that private schools are to be operated in buildings or in premises which meet the requirements of the Minister (5.7).

(b) Municipal Codes

Municipalities have legally enforceable building codes for structures. All these codes must be met by a private school.

(c) Relation to Curriculum

The degree to which the curriculum standards recommended are met by private schools is somewhat dependent on the quantity and quality of facilities and equipment available. Therefore, it is consistent that private schools meet the physical facility and equipment standards as per the guidelines used by Alberta Education in their funding of public school development.

(d) Existing Facilities

Our research indicates that several private schools have relatively poor facilities and equipment, whereas others

have excellent facilities and equipment. In some instances, private schools do not have all the facilities/equipment they require to meet Provincial standards. However, some have agreements with other school agencies and municipal governments who provide the necessary facilities. The most notable examples are the agreements with municipalities for the use of recreation facilities (e.g. gyms, pools, playing fields, etc.).

(e) Public Opinion: Value-Oriented Survey

Generally Category I respondents felt that private schools should follow Provincial requirements regarding facilities. Category IV and respondents of unapproved schools felt that they should not have to follow Provincial requirements. Respondents from Alberta Education Staff, Directors of Regional Offices of Education and the Public School System all felt that Provincial requirements regarding facilities should be met by private schools. Respondents from the Key Stakeholders group were split on this issue.

Public Opinion: Gallup Poll

In response to the question,

"The Provincial government has prescribed standards to be followed by the public and the separate schools in Alberta. In your opinion, should the private schools here be required to meet these standards as far as school building and facilities are concerned?"

Eight-five percent (85%) responded in the affirmative.

5. Student Performance

The performance of the students at private schools is a key measure as to the success that private schools are achieving. It is consistent with the curriculum recommendations made in this report that students at private schools be tested by a public authority charged with overseeing the delivery of efficient education to all students in the province. Likewise, it is consistent that they be expected to meet the same levels of performance achieved by other students as measured by provincial or accepted norms, in at least language arts and mathematics.

6. School Year/School Day/Attendance

Our research indicates that most private schools either exceed or are equal to Alberta Education's current school year and school day standards. Therefore, there should be no problem in ensuring that private schools meet the minimum time requirements

as stated in the Junior-Senior High School Handbook and as recommended in the guidelines for Elementary grades in Form B. The recommendations regarding program requirements will continue to ensure this occurs.

Conclusion:

1. Licencing

Based on our findings, Alberta Education has the right and power to licence the operation of private schools in Alberta. This right is limited only to the degree that exercise of the right does not infringe on the Charter and the Alberta Bill of Rights.

Rather than seeking a licence to operate a private school, some 'private interest groups' have approached public school jurisdictions for accommodation of their 'special needs' as an "alternate school" in the public school system. It has been reported that in a number of instances this has worked.

Collaboration in the provision and use of facilities and equipment, on the part of private school interests and a local public school board would appear to have several advantages. Although our research indicates that Alberta Education cannot 'force' this to happen, it does seem reasonable and prudent for a process to be put in place that strongly 'encourages' this occurance where possible. It is our conclusion that it is most desireable to minimize any financial impact on the public school system by encouraging the sharing of facilities and avoiding any duplications and waste where feasible.

It is our conclusion that Alberta Education, upon receipt of an application from a group intending to establish a private school, should insist that meetings be held between the private school sponsors/organizers and representatives of the public school system within whose jurisdiction the private school falls, to fully explore the possibilities and advantages regarding the use of public school facilities.

From the outset, the onus should be on both parties to accommodate each other's interests to the maximum degree possible and ensure the efficient use of publicly provided space, facilities and equipment.

2. Curriculum

Legally, the Minister has the power to impose curriculum control over private schools, as long as this control does not unduly infringe on the individual's 'freedom of religion'. Based on our study of the court's judgement in the Wiebe and other cases,

we believe that the controls we propose achieve the balance of 'freedom of religion' and the Province's responsibility in ensuring efficient education.

Our on-site visits and student performance testing indicated that there is a need for curriculum control. Since the Province's responsibility is to ensure efficient education, it follows that it also has the right to ensure this responsibility is acted upon, within the limits imposed by the Charter and Alberta Bill of Rights.

Based on public opinion considerations, there is general support for the exercising of curriculum controls on private schools by Alberta Education.

Based on the principle that students should be educated such that they can transfer from a private school to a public school and vice versa, regardless of grade level, it follows that Alberta Education should exercise curriculum control.

3. Teacher Qualifications

In general, we believe that all teachers teaching in private schools in Alberta should be certificated, with the possible exception of some Category II teachers. However, due to the complexity of private schools, including the legal considerations, there should be other qualifications for currently non-certified teachers teaching in private schools so as to ensure a good standard of instructional ability is achieved and demonstrated in all private schools. There should be alternative routes to arriving at acceptable levels of teaching qualifications and formal certification.

4. Facilities

Facilities are important to the efficient education of children in Alberta. Therefore, private schools should meet Alberta Education's physical and equipment standards. There is a wide variety in the quality and quantity of facilities and equipment being used in private schools in Alberta today. There is also general public support that specified standards for facilities be met by private schools.

5. Student Performance

The performance of students at private schools is one key measure of the success private schools are achieving. Therefore, to ensure that Alberta Education's responsibility for securing the efficient instruction of all children, and to ensure that students can transfer without serious difficulties, it follows that there must be uniform student testing of children in private schools.

6. School Year/School Day

The length of the school year and school day are generally held to be useful indicators of the quantity of instruction received by children. This is one measure for Alberta Education to use in ensuring private school students are receiving an efficient instruction.

RECOMMENDATIONS:

Licencing

3.1 We recommend that Alberta Education exercise its authority by a formal approval process for the establishment and operation of all private schools in Alberta.

3.2 We recommend that in its approval process, Alberta Education consider the Charter and Alberta Bill of Rights.

3.3 We recommend that Alberta Education develop specific criteria to be used in its approval process. One such criterion should be 'process-oriented' in that the requesting 'private interest' and the public school jurisdiction enter into various and formal discussion to assess the appropriateness and efficiency of accommodating the special needs of the 'private interest' group within the public system as an 'alternate school'.

Curriculum

3.4 We recommend that Alberta Education exercise control over the curriculum offered in all private schools operating in the Province.

3.5 We recommend that the course of study for mathematics and language arts be prescribed by Alberta Education.

3.6 We recommend that for the existing Category I and IV schools, a reduced core course of study for social studies, science and physical education for grades 1-9 be developed by Alberta Education, in collaboration with private schools' organizations, for optional use in private schools. Such a core would contain the non-controversial (usually non-religious) concepts in the approved curriculum and any controversial concepts whose exclusion would, in the opinion of the Minister, seriously jeopardize a student's chances of completing senior high requirements (passing grade 12 examinations) in those subjects.

3.7 We recommend that for Category II schools, the current standards of curriculum control be maintained.

3.8 We recommend that for Category III schools, the current standards of curriculum control be maintained.

3.9 We recommend that the curriculum controls developed by Alberta Education be developed in collaboration with existing private school organizations in Alberta.

3.10 We recommend the curriculum controls developed be such that students can transfer, without serious problems, from a private school to a public school and vice versa.

3.11 We recommend, to ensure that the above recommendations regarding curriculum are realized, that the reading materials used must flow from the above recommendations as follows:

- language arts and mathematics materials be authorized by Alberta Education or approved using the same process now used by public schools

- social studies, science and physical education texts meet basic minimum standards set by Alberta Education or approved using the same process now used by public schools.

Teacher Qualifications

3.12 We recommend that all teachers, teaching in Alberta schools, public and private, be certificated with the possible exception of some Category II teachers.

3.13 We recommend that the strict qualifications for certification or licensing, as they presently stand in the Province be reassessed to allow a teacher to become certificated without the requirement to achieve a specified academic degree. Certification and therefore authority to teach in Alberta's schools should also be achievable on the basis of a prescribed course of supervised in-training experience, study and other activities.

3.14 We recommend that teachers in training must be in a supervised, prescribed program that will lead them to become a fully-certificated teacher within a predetermined time-frame.

Facilities

3.15 We recommend that private schools meet the physical facility and equipment standards as prescribed by Alberta Education for language arts and mathematics and standards acceptable to Alberta Education for social studies, science and physical education. As long as a private school can adequately demonstrate that it either houses or has ready access to the required facilities and equipment for regular use, the intent of this recommendation can be satisfied.

Student Performance

3.16 We recommend that students at private schools be tested and be expected to meet Provincial achievement standards.

3.17 We recommend that Alberta Education ensure that procedures are put in place to test and monitor the performance of private school students in the areas of social studies, science and physical education in terms of the curricular requirements acceptable to Alberta Education.

School Year/School Day

3.18 We recommend that private schools, with the exception of Language Schools, meet Alberta Education's school year and school day standards.

QUESTION 4

Should capital expenditures of private schools for facilities and equipment be supported through public funding, and if yes to what extent?

Considerations:

1. Legal

   There is no legal requirement for Alberta Education to financially support private schools for capital expenditures.

2. Past Practice

   (a) Alberta Education Funding

   Alberta Education has never directly provided private schools with capital funds.[1]

   (b) Other Jurisdictions

   Only two other Provincial jurisdictions in Canada have reported that they specifically fund private schools capital expenditures. This clause in their regulations was permissive and had a low ceiling.

   (c) Where Roman Catholic Schools are the Separate School System

   Where Roman Catholic schools constitute the separate school system, the system can legitimately be described as religious based. Yet it does receive public monies in the form of Provincial funds and a percentage of the local property tax base. It has been argued that this situation is no different than most private schools in Alberta receiving tax-based support. There are, however, two major differences.

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1. Except in the situation where a Category II private school is sponsored by a local public school board in which the local board receives up to 90% of the costs from Alberta Education.

First, the members of the local Roman Catholic school board are elected by the general population (only those of the general population who declare themselves as Roman Catholic can vote) of the local municipality(ies). Therefore, there is a clear public accountability for the decisions of the board regarding the requisitioning and expenditure of public funds.

The members of a private school board are not elected by the general population of the local municipality and, therefore, even though there is some Provincial presence in their affairs, the direct public accountability for the expenditure of public funds is not in place. It is an important principle of our democracy, that with financial control of public funds comes public accountability.

Second, Roman Catholic schools have an historical and legal precedent that dates back to the founding of Canada as a country. Part of the historical precedent includes the fact that Roman Catholic schools have consistently met the academic guidelines and responsibilities as prescribed by Alberta Education, who represent the will of the majority of the Albertan electorate.

3. Public Access to Private School Facilities

Our research indicates that many private school buildings (some of which are, in fact, Churches) are not available for public use. These private schools are used by the Board of the school and parents for their religious and 'community' activities, but seldom, if ever, by the general public.

4. General Acceptance of all Children by Private School

Not all children are accepted at all private schools. Even though private schools may not have an overt or written policy statement in this regard, our research indicated that some private schools 'screened' children and parents and 'strongly discouraged' some children and parents if the private school administrator felt that the 'religious relationship' was not appropriate to either the school or the applicant child/parent.

Equality of access is another fundamental principle associated with the allocation of public funds. Allocation of public funds to private schools that do not have open public access (as noted in points 3 and 4 above) is questionable.

5. Ownership/Facility

It is unrealistic to imply that public funds applied for capital expenditures in private schools are not at some risk. The funds are essentially being transferred to a private, albeit non-

profit, organization. Therefore, the public's ability to recover these funds, if for example certain standards or specifications are not met, or the private school ceases to operate, is limited.

As we have noted, there are many schools that operate in churches (e.g. basement). If tax based capital funding were provided, it would be very difficult if not practically impossible to determine whether the funds were going to a church use or an educational use.

We must also recognize though, that there are other instances in which public funds go to essentially private organizations for reasons such as employment or the creation of other social and economic opportunities. However, public funds assigned to resource companies, community recreation groups, cultural organizations, rural businesses and others are generally allocated on the basis that (a) a distinct public benefit is to be gained by supporting a particular private initiative (e.g. increased employment), and (b) the benefits cannot be realized in that economic sector or in that locale without the initiative of the (publicly assisted) enterprise. Private schools could qualify under the "public benefit" argument in (a) above, but given the presence of a local publicly supported school system, it is difficult to see how they could qualify under the second criterion (b) above.

While the ownership issue, in and of itself, is not categorically conclusive as a consideration militating against the allocation of public funds to private schools for capital expenditures, the weight of the argument on this one criterion tends, in our view, to refute the case for such support.

6. Diversity of Choice

It is also argued that private schools bring the element of choice to parents. This is an important consideration in a pluralistic society. This is also said to be important in that there is (a) 'competition' for educational services which, in the long term should, in the view of some people, result in better education for all, and (b) different people have different needs which implies the necessity of choice. Since choice is healthy it should be financially supported to some extent by the Provincial government, if it is truly interested in maximizing educational opportunities and competitive upgrading of educational services.

7. Public Opinion

(a) Gallup Poll

In response to the question:

"In your opinion, should private schools operating in Alberta, be eligible for funding from the Provincial government or not?",

Fifty-seven percent (57%) responded in the affirmative.

When asked if parents should be allowed to direct their tax dollars to the private school of their choice, 26% gave an unqualified 'yes' response and an additional 51% responded 'yes' if the school is licenced (for a total support figure of 77%).

It should be noted that the type of funding (i.e. capital and/or operating) was not specified in this survey's question.

(b) Value-Oriented Survey

Generally, respondents from all categories of private schools, most Key Stakeholders, respondents from Alberta Education, Regional Directors and the Public School System generally felt that the capital expenditure needs of private schools should not be supported through taxes.

8. Child Benefit Argument

If, as has been stated throughout this Report, Alberta Education's role and responsibility is to ensure the efficient education of all children, and if, as noted in the first question of this Report, private schools should be allowed to operate in Alberta, then it would appear that Alberta Education must ensure that children in private schools receive an efficient education. Funding of private schools through the general tax base of the Province then is seen as serving the public interest, because it provides an equal opportunity to the child for an adequate education, regardless of the religious beliefs of their parents. The purpose of the financial support is not to benefit the private school institution per se. If the child fulfills his/her duty by attending, it will seem logical that the state should facilitate this attendance.

9. Choice and Financial Responsibility Argument

This argument states that if parents choose to send their children to a private school they should be responsible for financial support, since these parents have the option of sending their

children to a public school. With any choice comes financial responsibility. Furthermore, the fact that Alberta Education is morally and legally obliged to set and enforce standards (as recommended in this Report) does not in itself mean that the public must financially support private schools.

10. On-Site Visits

During our on-site visits, several situations were noted wherein the facilities and equipment in the private school were very limited, if they were available at all.

11. Base Data Survey

Our methodology for the data collection also included a survey of the existing facilities and equipment used in private schools. The results indicated a great variety in that some private schools were well equipped and housed whereas others were in relatively poor facilities (for educational uses) and had little equipment.

12. Financial Survey

Our survey of the financial condition of private schools indicated that on average, debt servicing of the facility accounted for about 2% to 7% of the total annual expenditures of private schools, depending on the private school category.

Conclusion:

In addressing an issue such as the capital funding of private schools, it is necessary to find a balance of what is fair for both the public, the parent and the child. Equitable considerations inevitably involve one's values and one's notion of what is "fair". In this section of the Report and for that matter throughout the Report, the issue addressed was that of balancing the needs of the public, the parent and the child based on the research conducted and the judgement of the consultants.

The research conducted indicates that there is little in precedent, no legal basis, but some public support for funding of private schools with general public funds.[1] Except for the 'Child Benefit Argument' and the

1. The gallup poll did not separate capital from operating funding.

'Diversity of Choice Argument', all other issues raised tend not to support the public funding of the capital expenditures of private schools.

The 'Child Benefit Argument' is in some respects the more fundamental and persuasive and deserves some reiteration here.

Just as the quality of the curriculum and the teacher impacts on the effectiveness of instruction, so do the facilities and equipment employed. Appropriate classroom size, classroom equipment, laboratory equipment and space, library space, equipment and books are all considered essential to the effective instruction of children. As we have seen fit to associate public funding with public imperatives in teacher qualifications and curriculum (see Question 5), and as there is a concrete relationship between efficient instruction and the quantity and quality of facilities and equipment, we conclude that public funds should be used to support at least some of the capital expenditures of private schools.

Although not clearly articulated in our research, there was an underlying sense that if private schools were to receive public funding for capital expenditures, regardless of the amount, the 'door would be open' to requests and demands for more and more public funds for capital expenditures. Given the amount of vacant public school space across Alberta today and the tremendous cost of maintaining all school space, it seemed that public funding support of private school capital expenditures would exacerbate the situation. That is, it would be intolerable. Practically speaking, there is a limit to the amount of public funds available for capital expenditures and it is not reasonable for the Province to encourage the expansion of school facilities, especially considering the current surplus space situation and funding constraints on public school equipment.

Notwithstanding the above, we believe that a reasonably strong case can be made for the use of public monies to support the capital expenditures

of private schools. The factors to be considered in support of such a policy include the Child Benefit Argument, the Diversity of Choice Argument, and especially the relationship between Provincial support for facilities and equipment and Provincial imperatives for efficient instruction. However, we also recognize that (a) there is a practical limit to how much the Province can financially support, and (b) one must consider what we have determined to be acceptable to non-private school supporters (i.e. approximately 97% of Albertans). Weighing these considerations and the issues of ownership, public access to private school facilities and the limitations on general access to education at private schools, we conclude that the case for public support for capital expenditures in private schools (at least for physical facilities) is not sufficiently convincing and that such initiatives would be untimely and impractical to recommend.

RECOMMENDATIONS:

4.1	We recommend that private schools not receive support from public funds for capital expenditures on physical facilities.
4.2	We recommend that Alberta Education give consideration to providing some capital support for selected equipment in private schools (e.g. computer software, laboratory equipment, etc.).

QUESTION 5:

Should operational expenditures of private schools be supported through public funding, and if yes to what extent?

Considerations:

1. Legal

   There is no legal requirement for the Provincial Government to financially support private schools for operational expenditures.

2. Past Practice

   (a) Alberta Education Funding

   Since 1978, Alberta Education has funded the operations of Category I and II schools and Alberta Culture has provided Category III schools with some funding for operational items.[1] This precedent implies that the Provincial Government feels that private schools, under certain conditions, should receive financial support from the public tax base.

   (b) Other Jurisdictions

   At least five out of the ten provinces investigated in our research, provide private schools with some tax monies for operational items. Some of these five provinces include separate schools under their definition of private schools.

   (c) Separate School System

   The same comments made previously regarding capital funding apply here as well.

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1. The Federal Government has, in the past, also provided some limited amounts of funding to some Category III private schools. There will not be any school receiving funds from this source for 1985.

(d) The Province also provides private schools with non-financial support in the form of (a) consultation, (b) ACCESS, (c) MRC's (Major Resource Centres), (d) Regional Libraries, and the like.

3. Public Opinion

(a) Gallup Poll

The same comments as noted earlier regarding capital funding, apply here.

(b) Value-Oriented Survey

The response to this question in the survey, was somewhat different than the response to the capital funding question. For the most part, there was a general consensus that private schools should receive some financial operating support from the Province. A key consideration in supporting this funding was that private schools adhere to Alberta Education's guidelines.

4. Child Benefit Argument

The same comments elaborated upon earlier regarding capital funding, apply here.

5. Diversity of Choice

The same comments noted previously regarding capital funding, apply here.

Conclusion:

There are several key differences in the considerations listed above as compared to those listed under the capital funding question. They are:

- o There is the precedent of established practice whereby the Province provides up to 75% of the Basic Instructional Grant to approved private Category I schools.[1]
- o There are more provinces across Canada that financially support the operating expenses of private schools (as opposed to financially supporting capital expenditures).

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1. Category II schools will be eligible for a similar grant in 1985.

- The arguments regarding ownership of private school facilities, as noted under the capital funding question, do not apply when considering operational funding.

- The argument regarding the amount of public school system space currently available does not apply as directly, or to the same degree here.

In addition to these differences, we believe that the importance of ensuring that the proper conditions regarding teacher qualification and curriculum are in place in all schools is critical to the efficient education of children. Therefore, the notion of the 'Child Benefit Argument' comes to the fore in this section of the Report.

Also, there is a more direct link between Provincially imposed minimum standards for instruction (through teacher qualification standards and curriculum content) and the dollar amounts of support which should go with these ordinances.

RECOMMENDATIONS:

5.1 We recommend that private schools be operationally supported through public funds.

5.2 We recommend that, if private schools meet the curriculum and teacher certification guidelines as set out in this Report, they be eligible for the same types of funding grants as public schools.

5.3 We recommend that the transportation grant be treated as an exception in general support for operations funding. Private schools should only be eligible for transportation costs after they have, with the public system in their area, expended all efforts to use the current public school system transportation network. These cooperative efforts should be a requirement of Alberta Education before operating funds for transportation are released to private schools.*

5.4 We recommend that the current level of public funding for private schools in Category I apply to all private schools, if they meet the general guidelines (e.g. curriculum, teacher qualifications) as noted in this Report.

*This recommendation does not emanate from our data base or field research, but from discussions with the study Steering Committee on this cost issue.

QUESTION 6

Should private schools be categorized?

Considerations:

According to the recommendations noted above, all private schools must meet prescribed and minimum standards regarding curriculum, teacher qualifications, facilities and other items. Either a private school meets the standards specified by Alberta Education or it is closed (given, of course, a period of adjustment for the private schools to meet the new standards).

The only exceptions noted are for Category II and III schools. Category II schools are indeed special and we have recognized this throughout this Report. Category III schools are different than other private schools in terms of curriculum (language only) and hours of operation (after normal school hours).

RECOMMENDATIONS:

6.1 We recommend that there be three categories of private schools as follows:

Category I:	Approved private schools that adhere to the general guidelines noted in this Report.
Category II:	Approved private schools that adhere to the general guidelines noted in this Report for (a) severely handicapped, and (b) severely learning disabled.
Category III:	No change from present.

QUESTION 7

What statutory controls are needed?

Considerations:

1. Legal

   Section 10(2) of the Department of Education Act provides that "the Lieutenant Governor in Council may make regulations governing the establishment, administration, operation and management of private schools or any class of private schools".

2. Value-Oriented Survey

   Of those who responded to this question, 45% felt there was a need for a Private Schools Act, 23% felt there was no need, and a full 31% were uncertain. Given the large percentage of respondents who are uncertain, it is our interpretation that there is no clear indication from the respondents, one way or the other.

3. Cross-Canada Survey

   There are only two provinces that have a specific private school statute. All other provinces and territories refer to private schools in their appropriate education legislation (including subordinate legislation).

Conclusions:

Given that the Province, in the Department of Education Act, already has the authority to make regulations regarding private schools, we do not see a need to create a new piece of legislation (ie., a new "Private Schools Act"). However, it is imperative that Alberta Education review its current regulations regarding private schools and make alterations as noted in this Report.

RECOMMENDATIONS:

7.1 We recommend that Alberta Education incorporate the modifications to policies and procedures recommended in this Report in its revisions to existing legislation.

7.2 We recommend that the Alberta Education review and revise current regulations and incorporate in an explicit manner the recommendations set out in this Report.

QUESTION 8

What administrative controls are needed?

Considerations:

1. Legal

   Inspection of the financial condition, administrative condition, or any other matter connected with the management, administration or operation of a private school is governed by Section 10 of the Department of Education Act. This section allows a Minister to appoint an inspector to conduct the duties set out therein.

   Private schools are to be operated in buildings or in premises which meet the requirements of the Minister (S.7). Section 10.1(2) further provides that "the Minister may appoint one or more persons to inspect and report on the operation of a private school".

   Clearly, Alberta Education has been granted the power to monitor and control the operation of private schools including curriculum, teacher qualifications and facilities, among other things. Also, the Minister can appoint people to conduct inspections and report to the Minister if action is required.

2. Survey of Regional Offices of Education

   Our research indicates that most of Alberta Education's Regional Office Directors realize that the intent and spirit of the existing legislation allows Alberta Education to monitor and control private schools to a greater degree than is presently being done. There is a concern that existing regulations are not employed as they should be regarding private schools.

Conclusions:

Based on our research, it would appear that the foundation exists for effective and efficient implementation of regulations regarding private

schools. However, Alberta Education will have to (a) modify its regulations to implement the recommendations of this Report, and (b) better clarify/articulate the revised regulations in order that the Regional Offices of Education may be able to implement them properly.

RECOMMENDATIONS:

8.1 We recommend that Alberta Education modify its current regulations to implement the recommendations of this Report.

8.2 We recommend that Alberta Education revise its current regulations to clarify and articulate the revised procedures recommended in this Report.

QUESTION 9

What are the impacts of allowing private schools to operate in Alberta?

Considerations:

The impacts we investigated included:

1. Attendance at private schools and impact on the public/separate school system.
2. Funding of private schools and impact on the public/separate school system.
3. Monitoring and administration of private schools.

1. Attendance

All statistics and opinions collected in our research indicate that private school enrollment will continue to increase in the future. Currently, there are about 12,545 students enrolled in private schools, or about 3% of the total public/separate school enrollment of about 412,476 (1983). The Gallup Poll also found that 3% of the respondents sent their children to private schools. Based on the statistics provided by those private schools who responded to our survey, enrollment in private schools in Alberta has increased 50% from 1978-79 to 1982-83.

When private school respondents were asked if they felt school attendance would be increasing, decreasing or staying the same, about 67% felt they would increase. These Alberta trends are similar to statistics for Canada and other countries (as noted in our literature review).[1]

Therefore, it would appear that enrollment at private schools has and will continue to increase in Alberta. The prime impacts of this increase will be felt on the public and separate school systems in two areas:

(a) enrollment is largely used to determine the funding that a school will receive. With more children attending private schools, and assuming no increase in overall population of

1. See Resource Paper No. 2

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SCHEDULE 1

EXISTING GRANT AMOUNTS AND ENROLLMENTS FOR PUBLIC SCHOOLS USED BY ALBERTA EDUCATION

GRANT NAME	1983 ACTUAL $(000)	ENROLLMENT	ACTUAL COST PER PUPIL $
SPECIAL EDUCATION			
- Teaching Positions	$ 33,102		$ 1,000[1]
- Program Unit and Sensory MVH	9,966	1,045	9,537
*- Capital	162	-	ERR
*- Instruction in Schools for the Handicapped (Cat. II)	3,160	579	5,458
VOCATIONAL EDUCATION	7,893	7,055	1,119
EXTENSION PROGRAMS	8,734	13,398	652
MISCELLANEOUS GRANTS			
- Reading Material	759	223,092	3
*- CPP	4,655	415,643	11
a- Intern Teachers	22	-	ERR
- Wards of the Province	237	329	720
- Film Library	588	186,525	3
LEARNING DISABILITY FUND	3,997	142,800	28
EDUCATION OPPORTUNITIES	19,364	314,200	62
ECS			
*- Capital	106	-	ERR
- Operational	29,809	27,600	1,080
- In Home (Transportation)	7,786	164	47,476
- Transportation	2,161	10,054	215
- Small Centre	520	2,330	223
- Program Unit	2,399	284	8,447
- Preadmission Assessment	408	1,663	245
SMALL SCHOOL ASSISTANCE	5,441	412,500	13
DECLINING ENROLLMENT	1,418	176,035	8
aLOCATION ALLOWANCE	807	-	ERR
aTEACHER HOUSING	135	-	ERR
LANGUAGE PROGRAM			
- English as a Second Language	2,314	3,700	625
- French	1,434	14,000	102
- Language other than English/French	262	2,000	131
COMMUNITY SCHOOLS	3,818	56 (schools)	68,178[2]
*SUPPLEMENTARY REQUISITION EQUALIZATION GRANT	27,522	-	ERR
*SMALL JURISDICTION GRANT	1,184	-	ERR
aSENSORY MULTI-HANDICAPPED	4,527	-	ERR
aREHABILITATIVE AIDES	126	-	ERR
*CAPITAL DEBT RETIREMENT & BUILDING QUALITY RESTORATION	88,062	-	ERR
SCHOOL FOUNDATION PROGRAM FUND			
INSTRUCTION	736,420	412,476	1,785
URBAN TRANSPORTATION	11,848	66,791	177
RURAL TRANSPORTATION	44,383	90,921	488
*DEBT RETIREMENT AND CAPITAL ASSISTANCE	112,925	412,476	273
TOTAL	1,178,454	412,476	2,860

1. Gross estimate only.
2. Based on number of schools basis.
* Not applied to private schools.
a No enrollment figures available.

school aged children, the amount of money available to public/separate schools (per pupil grant) will decrease. This impact will occur regardless of private schools receiving separate funding. Of course, if the population of school aged children does increase, the impact on the public/separate school system may be negligible.

(b) efficiency of the operation of public/separate school systems is also related to the enrollment at these schools. Should the enrollment at public/separate schools decrease due to increases at private schools, efficiencies may suffer (e.g. reduced or elimination of program, utilization of school facilities, special teachers, pupil/teacher ratio, etc.).

These two impacts are possible if the assumption noted (i.e. increase in enrollments at private schools) is true. The degree to which the assumption may not be true, in the future, is the degree to which the impact on the public/separate school system is decreased and perhaps even eliminated.

Respondents were also asked in the Value Oriented Survey the extent to which they felt there was a duplication of services between the public school system and private schools. The private school respondents and most of the key stakeholder respondents felt there was no problem. The Alberta Education, Regional Directors and Public School respondents all felt there would be duplication. Few respondents felt duplication was a major problem.

2. Operational Funding Impact[1]

We have developed a simple financial model to estimate the potential fiscal impact of the recommendations of this Report. It is presented on the page opposite and the next page.

Schedule 1 refers to the existing grant structure. It was used as the basis for the calculations in Schedule 2. As noted, there are five grants for which no enrollment figures are available. Therefore, these were excluded from our calculations. We do not expect that this will affect the final estimated impact figure, as these grants are relatively small.

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1. The financial statistics used in this Report refer to the past (ie., to 1984) funding system for public and private schools. This was the only reasonable approach given the recent formulation of the new grants system and the fact this new system does not have any historical base upon which to do the calculations. This conclusion was arrived at in consultation with Alberta Education.

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SCHEDULE 2

ESTIMATED FINANCIAL IMPACT OF RECOMMENDATIONS (EXCLUDING CATEGORY II)

GRANT NAME	%	PROJECTED COST PER PUPIL	PRIVATE SCHOOL ENROLLMENT RATIO	PROJECTED COST 1983 $(000)
SPECIAL EDUCATION				
- Teaching Positions	75	750	NA	NA
- Program Unit and Sensory MH	75	$ 7,513	$\frac{1,046}{412,476} = .00253 \times 11,315 = 29$	218
VOCATIONAL EDUCATION	75	839	$\frac{7,055}{412,476} = .0171 \times 11,315 = 194$	163
EXTENSION PROGRAMS	75	489	$\frac{13,398}{412,476} = .0325 \times 11,315 = 368$	180
MISCELLANEOUS GRANTS				
- Reading Material	75	3	$\frac{223,092}{412,476} = .54 \times 11,315 = 6,110$	18
- Intern Teachers	75	NA	NA	NA
- Wards of the Province	75	540	$\frac{329}{412,476} = .0008 \times 11,315 = 9$	5
- Film Library	75	2	$\frac{186,525}{412,476} = .45 \times 11,315 = 5,092$	10
LEARNING DISABILITY FUND	75	21	$\frac{142,800}{412,476} = .35 \times 11,315 = 3,960$	83
EDUCATION OPPORTUNITIES - JUNIOR HIGH	75	46	$\frac{314,200}{412,476} = .76 \times 11,315 = 8,599$	396
SMALL SCHOOL ASSISTANCE	75	10	$\frac{412,500}{412,476} = 1.00 \times 11,315 = 11,315$	113
DECLINING ENROLLMENT	75	6	$\frac{176,035}{412,476} = .427 \times 11,315 = 4,832$	29
LOCATION ALLOWANCE	75	NA	NA	NA
TEACHER HOUSING	75	NA	NA	NA
LANGUAGE PROGRAM				
- English as a Second Language	75	469	$\frac{3,700}{412,476} = .009 \times 11,315 = 102$	48
- French	75	77	$\frac{14,000}{412,476} = .034 \times 11,315 = 385$	30
- Language other than English/French	75	98	$\frac{2,000}{412,476} = .005 \times 11,315 = 57$	6
COMMUNITY SCHOOLS	75	51,134	$\frac{56}{1,450} \times 135 = 5$	256[1]
SCHOOL FOUNDATION PROGRAM FUND				
INSTRUCTION	75	1,338	11,315	15,139
URBAN TRANSPORTATION	75	133	$\frac{66,791}{412,476} = .16 \times 11,315 = 1,810$	241
RURAL TRANSPORTATION	75	366	$\frac{90,921}{412,476} = .22 \times 11,315 = 2,489$	911
TOTAL		1,577	11,315	17,846

1. Based on number of schools ($\frac{\text{\# community schools}}{\text{(\# public \& separate schools}}$ x # of private schools x 75% of public school allocation). Only current Category I, IV and unapproved schools are used in this calculation.

Schedule 2 (opposite) applies the figures from Schedule 1 to our recommendations and the estimated enrollment in private schools in 1983.

The approach used was to take 75% of the per pupil public school system grant, multiply it by the ratio of public school students entitled to the grant to the total public school enrollment and multiply this proportion by the estimated number of private school students in 1983.

Based on these assumptions and calculations the total estimated financial impact of the recommendations is about $21,006,000 per year. The average expenditure per pupil in public schools and private schools would be:

Public schools	$2,860
Private schools (excluding Category II)	$1,577
Category II private schools	$5,458

It should be noted that these costs are maximum estimates and we fully expect the total actual financial impact to be less. This is to be expected, because some grants included in the calculations will not be accessed to the maximum (e.g. Transportation and Community Schools Grants).

Information supplied to us by Alberta Education indicates that the current amount of funds allocated to all private schools in Alberta in 1983 was approximately $15,993,800, or about $1,505 per pupil (our figures indicate that there were 10,621 students in eligible private schools in 1983). The difference between the existing amount allocated to private schools and the amount that would be required based on the recommendations of this Report is about $5,012,200 ($21,006,000-$15,993,800), or about an extra $420 per pupil (our figures indicate that there were about 11,912 students in all private schools, excluding language schools and home schooling sites).

In order to highlight the potential financial impact on the public school system, it was assumed that the net increase in payments to private schools will come solely from the public school system (i.e. there will not be any net increase from Provincial general revenues). The financial impact of the recommendations of this Report on the public school system is estimated at:

o $12.15 (ie., $5,012,200 ÷ 412,476) per pupil per year,

This would reduce the current per pupil grant in the public school system from about $2,860 to $2,848, or a reduction of about one half of one percent.

We cannot gauge the on-site impact of this reduction of $12 per pupil on a school board basis, to determine whether it will in itself precipitate a serious loss in the quality of education.

There may, for some school jurisdictions operating on the margin of their resources and requirements, be a loss of curricular options and other impacts. For others, the resource reduction may be accommodated through increased administrative efficiencies. At this level of analysis, we can only say that if the increased support suggested for private schools comes by means of a transfer from the funds currently available to the public school system there may be selected impacts in some school board jursidictions'.

As was noted earlier in the Report, the demand for funding is not universal to all private schools. Some private schools have, in fact, stated that they do not want funding. Their reasoning is that, with funding comes controls, which they do not want.

If the magnitude of additional private school funding suggested in this Report (i.e., an additional $12 per pupil per year) comes from general Provincial revenues, there will of course be no direct impact on local school boards and the quality of education which they provide.

3. Monitoring and Administration Impact

As noted above, it has been very difficult for the Regional Offices of Education to implement regulations regarding private schools. Consistency of application and the lack of specificity of the regulation, as noted, were two of the reasons given. Another reason uncovered deals with manpower (i.e. amount and allocation).

In our Cross Canada Survey, we also found that a major problem in dealing with private schools was the lack of regulations, implementing criteria/evaluation systems and manpower. Or, as one Regional Office Director in Alberta stated, regarding enforcement, monitoring and controls:

> "This is probably the most serious issue that your study could address."

Clearly, without the best and well thought out regulations, monitoring and control procedures and adequate levels of manpower to address all the major recommendations of this Report regarding private schools, the implementation of the recommendations will not occur in an effective or efficient manner, if at all. This will require (a) a major re-drafting of legislation, (b) development of appropriate and well defined monitoring and

control procedures that 'back-up' the legislation and are useable, and (c) the proper level of manpower to implement the monitoring and control procedures.

Conclusion:

There are some very significant implications and potential impacts of the recommendations contained in this Report. They include:

- o attendance in the public (including separate) school system may decrease or may not increase at recent or anticipated rates. This possibility will directly affect their funding requirements and educational programs
- o public monies will have to be found, either from general revenues of the Provincial government and/or from the funds currently available to the public/separate school systems, to meet the recommendations regarding the operating funding of private schools
- o implementation of the prescribed and acceptable standards recommended in this Report may be challenged in the courts
- o Alberta Education will have to allocate resources for the:
  - specification of standards acceptable to the Department for social studies, science and physical education
  - preparation of revised teacher certification requirements
  - preparation of the appropriate legislative modifications to carry out the recommendations of this Report
  - development of appropriate monitoring and control systems/ procedures for private schools.
  - financial analysis of the recommendations with the implementation and fine-tuning of the new Management Financial Plan.

RECOMMENDATIONS:

9.1 We recommend that Alberta Education, in conformity with our recommendations on other aspects of private schools, provide for additional funding in the order of $5M.

9.2 We recommend that Alberta Education provide the administrative and other support required to implement the necessary changes to curriculum guidelines, teacher certification, legislative revisions, extended monitoring and control systems and further financial analysis.

QUESTION 10

What is the role of Alberta Education regarding home school sites?

Considerations:

It is recognized that home schooling does not, strictly speaking, constitute a private school.

1. Legal

Home schooling has been recognized by legislation in Alberta, at least since the Truancy Act, S.A. 1910 (2) C.8. Section 5(1) of that Act provide that a parent, guardian or other person should not be liable to any penalty under the Act in respect of a child if the child was under efficient instruction at home or elsewhere.

Similar to those comments made earlier (see Question 1 - Legal Considerations), parents who are prevented by legislation from instructing their children at home may also raise the defences of "freedom of religion" or "freedom of conscience" under the Canadian Charter of Rights and Freedoms.

Similar to those comments made earlier (see Question 2 - Legal Considerations regarding compulsory public school attendance)

'A pupil is excused from attendance at school if:

(a) a Department of Education inspector or a superintendent of schools (whether appointed by a Board or the Department of Education) certifies in writing that the pupil is under efficient instruction at home or elsewhere, ..."

(Section 143(1) School Act)

Section 11(2) of the School Act states that

'The Minister may:

o prescribe courses of study or pupil programs or both, and instructional materials, and

- o approve any course of study or pupil program submitted to him by a Board, but instruction in the course of study or pupil program shall not commence without prior approval of the Minister in writing.

Therefore, it would appear that as long as the courses of study and instructional materials do not unduly infringe on the 'freedom of religion' or 'freedom of conscience' of parents, instructing their children at home, these can be prescribed by the Minister.

There is no legal requirement for Alberta Education to financially support home school sites for capital or operating expenditures.

2. Student Performance

There was no testing of children at home school sites undertaken in this study.

3. Curriculum

Of the 34 home schooling sites known to the Study Team, three were visited and one visit was refused. Therefore, the following comments relate to this low visit rate.

Of the sites visited, one was using the ACE curriculum, one was using Alberta Correspondence and one a combination of Alpha Omega and Alberta Correspondence. Home school sites are to be approved by the local superintendent. Of the three visited, one had sought and not received approval from the local superintendent and two were under some supervision from a School Board.

Based on our findings, the curriculum and its application at home school sites are uneven. The home school sites visits indicated a limited learning environment as determined by a lack of physical education opportunities, science opportunities and the poor use of public libraries.

4. Past Practice

In other provinces and in Alberta, there is a precedent to follow in allowing home school sites to operate in Alberta.

5. Opinion

(a) Value-Oriented Survey

The majority of respondents to the value-oriented survey indicated that they felt home school sites should be allowed to operate in Alberta as long as certain controls were

exercised. The primary controls were that they were to follow the correspondence course of study and the parents were to have good teaching abilities.

(b) Gallup Poll

Sixty-five percent (65%) of respondents felt that parents should not have the right to teach their children at home.

6. Parents Rights

The same remarks as made earlier in this Report regarding this same consideration under Question 1, apply here as well.

Conclusions:

While there is a limited data base from this particular study on home schooling sites, the concensus of professional opinion from the consulting team was that home schooling can provide advantages for younger students (e.g. 5-7 years old), but that the need for social interaction and the use of instructional equipment and facilities (e.g. gymnasium, laboratory) on the part of older students, weighed strongly against the desirability of home schooling for most students. The religious convictions of the parents should be accommodated within the private school system, if they cannot be met in the public or separate systems. It is our view that the parent does not have an unfettered right to isolate the child from one milieu of normal growth and development (i.e. the school-based peer group) and potentially curtail their educational opportunities in certain fields of knowledge (e.g. science), solely on the grounds of the parent's convictions and views on religion and society. A balance has to be achieved, but it must be one where the rights of the child to efficient instruction and social development are secured.

Notwithstanding the above, we recognize the legal and constitutional issues referred to earlier, whereby a parent may successfully retain a child at home for formal instruction. Home school sites may therefore be defended on the basis of "freedom of religion" or "freedom of conscience". It is our view, that the Province's imperatives regarding the overall welfare of the child dictate that only under very special circum-

stances should home schooling sites be permitted and the onus on proving the case should be upon the parent as protagonist.

RECOMMENDATIONS:

10.1 We recommend that home schooling sites be allowed to continue in Alberta under special circumstances only, ie., where geographic isolation, physical or mental disabilities of the student warrant it or where it can be clearly demonstrated that there is absolutely no way in which the religious or other convictions of the parents can be accommodated in the three other school systems available.

10.2 We recommend that Alberta Education fully exercise its authority and control by ensuring, through the local Superintendent of Schools, the effective monitoring of home schooling sites in terms of:

- o curriculum
- o student performance
- o instructional time

Alberta Education has this authority under the School Act.

10.3 We recommend that the course of study for mathematics and language arts be prescribed by Alberta Education and that the course of studies for social studies, science and physical education for grades 1-9 be approved by Alberta Education except in instances where there is a legitimate 'freedom of religion' reason to adjust the curriculum in these three areas of study. In the latter case, a reduced core course of study for these three areas of study should be developed and applied by Alberta Education. Such a reduced core would contain the non-controversial (non-religious) concepts in the approved curriculum and any controversial concepts whose exclusion would seriously jeopardize a student's chances of completing senior high requirements in those subjects.

10.4 We recommend that the curriculum controls be such that students can transfer, without serious problem, from a home school to a public school or a private school.

10.5 We recommend that, to ensure that the above recommendations regarding curriculum are realized, the reading materials used flow from the above recommendations as follows:

- o language arts and mathematics texts be prescribed by Alberta Education
- o social studies, science and physical education texts meet prescribed standards or basic minimum standards set by Alberta Education as the case may be.

10.6 We recommend that students at home schooling sites be tested and expected to meet the ongoing requirements of each grade level and Provincial achievement standards.

10.7 We recommend that Alberta Education ensure that procedures are put in place to test and monitor the performance of home schooled students in the areas of social studies, science and physical education in terms of the acceptable standards set for curriculum.

10.8 We recommend that home school sites meet Alberta Education's suggested minimum time requirements for instruction.

10.9 We recommend that the local Superintendent of Schools regularly monitor and evaluate home schooling situations. In those instances where a local Superintendent has no jurisdiction, a designated Inspector of Schools shall carry out these functions.

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APPENDIX 1

STUDY PARTICIPANTS AND ACKNOWLEDGEMENTS

STUDY PARTICIPANTS AND ACKNOWLEDGEMENTS

This complex study is the outcome of an extended period of activity in Alberta Education, ongoing discussions among the various interest groups in education across this province, intensive research and analysis by the consultants, conscientious scrutiny and input by the study Steering Committee and the active participation of individual schools, students, teachers, principals, superintendents, trustees and many others. In short, this Report and the ten (10) background Resource Papers represent the culmination of substantial commitment and effort on the part of a great number of people. It is fair to say that in a matter as sensitive and as highly charged as education, the vast majority of participants in this important study gave of their time and trust willingly, selflessly, candidly and constructively.

There is no room here to enumerate the great number of participants who responded to our mail questionnaire surveys, telephone calls and personal interviews. However, we would like to acknowledge the fundamental input of these people, who are committed to the education of our children and who provided the essential basis for the entire study. Our thanks are due to the many teachers, principals, trustees, students, superintendents, Regional Office Directors and many others for their constructive input.

The Steering Committee provided the Consultant Team with an excellent sounding board and ensured that the Terms of Reference of the study, as contracted by Alberta Education, were met in full. In our view, if the tolerance, humour and enlightenment of the Steering Committee can continue to influence the debate and the process of public and private education in Alberta, we have few apprehensions regarding the equity, efficiency and effectiveness of the outcome. We would like to acknowledge and thank the Steering Committee for their conscientious, critical, informed and constructive input throughout the study process. They achieved the balance of securing the study's Terms of Reference, representing their own constitutencies while respecting the Consultant's

independence and final responsibility for the conclusions and recommendations of this study.

The Members of the Steering Committee were as follows:

Mrs. Joan Cowling	Edmonton Public School Board
Mr. Bob Grbavac	Alberta School Trustees Association
Mr. Lee Hollaar	Association of Independent Schools and Colleges of Alberta
Mr. Hans Lisowicz	Alberta Catholic School Trustees Association
Mr. Roger Kangas	Conference of Alberta School Superintendents
Dr. Sherburne McCurdy	Alberta College
Dr. Hardial Pannu	Alternate for Alberta College
Mr. Kevan Rhead	Alberta Teachers' Association
Mr. Tim Stonhouse	Association of Independent Schools and Colleges of Alberta
Mrs. Dorothy Hutton	Public at Large
Mrs. Dianne Birenbaum	Public at Large
Mr. Rene Marrinier Chairman	Alberta Education
Mr. Peter Baker Executive Secretary Liaison Officer	Alberta Education

The Consultant Team was as follows:

Mr. David J.A. Douglas	Study Director, Woods Gordon*
Mr. Richard A. Nuxoll	Project Manager, Woods Gordon*
Mr. Doug M. Graham	Financial Advisor, Woods Gordon

*Now practising as David J.A. Douglas & Associates Ltd., and Richard A. Nuxoll Consulting Services Ltd.

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Ms. Louise Watt	Financial Consultant, Woods Gordon
Ms. Emma Sicoli	Research Assistant to Woods Gordon
Dr. Ann L. Harvey	Consultant on Curriculum, Harvey Social Research Ltd.
Dr. Kerrie S. Pain	Consultant on Student Aptitude, Attitude and Performance
Mr. Nick J. Andruski	Consultant, Administration
Mr. Everett L. Bunnell	Principal Consultant, Legal and Constitutional Issues Parlee, Irving & Associates
Mr. Jim T. Neilson	Consultant, Legal and Constitutional Issues Parlee, Irving & Associates

The study was funded by Alberta Education.

We would like, on behalf of Woods Gordon the prime contractors, to extend our thanks, respect and appreciation for the commitment, energy, imagination, wise counsel and team-work of all members of the Consultant Team. It has been a pleasure to work with this group of professionals.

It is to be noted that the conclusions and recommendations of this Report are the sole responsibility of Woods Gordon as the prime Consultant.

APPENDIX 2

BIBLIOGRAPHY: THE TEN RESOURCE PAPERS

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BIBLIOGRAPHY: THE TEN RESOURCE PAPERS

Ten background Resource Papers were prepared as a result of the extensive research conducted for this study. While each paper was the outcome of the original study design, as prepared by Woods Gordon, and was subjected to intensive input and review by all Members of the Consultant Team, the principal researchers for each Paper have been identified.

Resource Paper	Title	Principal Researcher
1.	Cross-Canada Survey A survey of the legislative framework, policies, programmes, practices and funding for private schools in eight (8) of Canada's Provincial governments.	Woods Gordon
2.	Literature Review Extensive review and annotated bibliography of relevant literature from North American sources.	Woods Gordon (by Emma Sicoli)
3.	Legal Literature Review and Response to Legal and Organization Surveys Extensive review of Canadian and American case law, statutes, regulations and literature relevant to private schools. Brief review of responses from forty-four (44) private schools in Alberta regarding legal and organizational issues.	Parlee, Irving & Associates
4.	Curriculum, Teaching Methods and the Instructional Environment in Private Schools A report on the extensive on-site visits undertaken as a key component of the study. This involved discussions, interviews, visual inspection of facilities, libraries, physical education resources, and other activities.	Dr. A. Harvey

Resource Paper	Title	Principal Researcher
5.	Report on the Results of Student Testing A report on the results of tests administered to students in both private and public schools. Tests included attitudes toward the world of work and school subjects, mathematics, reading and Grade 12 achievement tests and the Canadian Cognitive Ability Test.	Dr. K. Pain
6.	Results of the Value-Oriented Survey This document reports on the results of a large survey of key interest groups in education across Alberta. It included the A.T.A., A.S.T.A., private school interests, Directors of Alberta Education's Regional Offices, other Alberta Education staff, public school superintendents and trustees and others.	Woods Gordon
7.	Results of the Private Schools Facility Survey Brief report on the age, condition, dimensions and other characteristics (e.g. availability of swimming pool, industrial arts area, laboratory, number of class rooms) of private schools in Alberta.	Woods Gordon
8.	Results of the Survey of Directors, Alberta Education Regional Offices A brief report on two (2) surveys of the Directors of Alberta Education's Regional Offices regarding the operation and administration of private schools and monitoring and controlling policies and practices.	N. Andruski
9.	Results of the Basic Data Survey A brief report on a survey to gather basic up-to-date data on private schools in Alberta (e.g. enrollment, growth in student population).	Woods Gordon

Woods Gordon

Resource Paper	Title	Principal Researcher
10.	The Financial Structure of Private Schools in Alberta A review of the profile of private school's financial position in Alberta today. The data base displays the allocating of funds, their sources, the level of indebtedness, per student grants and other indicators.	Woods Gordon

APPENDIX 3

GLOSSARY OF TERMS

GLOSSARY OF TERMS

A brief glossary of technical and official terms is included in this appendix for the convenience of the reader.

ACE

Accelerated Christian Education is a system of instruction developed in Texas, U.S.A. consisting of a particular method of teaching, prescribed workbooks and a curriculum of studies. The method is characterized by relatively independent study activity by students in carrels, a minimum of interaction among students and teacher intervention only as a guide for the individual students' questions on the material under study. The teacher does not teach in front of an assembled class and there is no class discussion or debate. All instruction is imparted and all instructional materials are prepared, from a fundamentalist Christian view of the world emanating from a particular interpretation of the Bible.

As with any system of instruction, there is variation and adaptation of the ACE system from school to school.

Alberta Education

Synonymous with the Department of Education of the Provincial government.

Alpha Omega

The Alpha Omega instructional philosophy is similar to that of ACE, except that religious development is not overtly placed ahead of academic, physical and emotional-psychological development. There is more writing activity, some group work is encouraged and somewhat more attention to individual expression and development.

ASTA

Alberta School Trustees Association is an association of elected trustees from all public and separate school boards in Alberta. The Association determines and implements policies on behalf of its members. The offices of ASTA are located at 12310 - 105 Avenue, Edmonton (482-7311).

ATA

Alberta Teachers Association is an association of teachers who have attained in Alberta accreditation as qualified teachers, either through formal training or upgrading in this province, or qualification through recognized institutions outside of Alberta. All Members must be certificated and approved by the Alberta Minister of Education. Among the ATA's activities are policy development, representation, professional development, compensation negotiation, membership services and curriculum development. The ATA is formerly constituted under legislation from the Province of Alberta. The offices of the ATA are at 11010 - 142 Street, Edmonton (453-2411).

CSI

Christian Schools International use the Alberta curriculum with a "Reformed" Christian interpretation and supplementary materials. The term "reformed" is to be interpreted generically and there are many types of schools using a version of the CSI curriculum. Instructional methods and other school characteristics are generally similar to the public and separate school systems in Alberta.

Director, Regional Offices (Alberta Education)

The Director in each of Alberta Education's five (5) Regional Offices is responsible for the delivery of the Department's programmes. In this role the Director undertakes regulatory and evaluation activities and

works closely with the local school board Superintendent and school Principals.

Mennonite Schools

There are a variety of types of Mennonite schools in Alberta. Not all Mennonites attend Mennonite schools. For some brethern, a fundamentalist Christian interpretation of all matters relating to the child's education pervades instruction and all school activity. The curriculum consists of a set of books approved by an interprovincial Mennonite committee. The Alberta curriculum and educational philosophy are rejected.

Superintendent

The chief administrative officer for the local School Board.

The reader is referred to the relevant Resource Papers for a more complete description of the different types of schools and curricula.